श्री जितेन्द्रभाई लाभशंकर भट्ट : महोदया, जो छोटूभाई पटेल ने अभी कहा है, मैं उसके साथ एसोसिएट करता हूं ।

उपसभापति : पटेल जी, आपके पास जो चिट्ठियां हैं, उन्हें आप मंत्री जी को भेज दीजिए और अगर सरकार को हानि हो रही है और बापू जी की जगह पर नहीं बन रहा है, तो वह गलत बात है । चिट्ठियां आप उनको भेज दीजिए । हम भी उनको चिट्ठी लिख देंगे ।

Re. Hardships being faced by farmers due to increase in prices of chemical fartilizers

श्री राम नरेश यादव (उत्तर प्रदेश) : महोदया, पिछले दिनों रसायनिक खाद के दाम जिस प्रकार से बढ़ गये हैं सब्सिडी कम किये जाने के कारण, वह देश के लिए चिंता का विषय बन गया है । विशेष रूप से इस देश के अंदर किसान जो उत्पादन करता है, सारे लोगों को अन्न देकर अन्नदाता कहा जाता है, बहुत ही कठिन समस्या उसके सामने उत्पन्न हुई है ।

यद्यपि सरकार ने रबी के समर्थन मूल्य को बढ़ाने का फैसला दिया है और बढ़े भी हैं, लेकिन उसका असर विशेष रूप से उत्पादन पर पड़ने वाला नहीं है और उसमें भी हमारे जो लघु और सीमांत कृषक हैं, जिनकी संख्या करीब 70 फीसदी जोतें हैं जिनकी, उनके सामने तो और भी, इसलिए कि इस बढ़े हुए दाम पर न तो वह खाद खरीद सकते हैं और न इस्तेमाल कर सकते हैं और जब वह खाद इस्तेमाल नहीं करेंगे, तो उत्पादन भी नहीं कर सकते क्योंकि उनका सारा उत्पादन होता है लेकिन जिंदा रहने के लिए, खाने के लिए- बाजार में ले जा करके, बेच करके जो यह समर्थन मूल्य बढ़ा है, उसका लाभ उनको नहीं मिल सकता और जब नहीं मिल सकता, तो उसके उत्पादन पर बुरी तरह से असर पड़ सकता है ।

यह बात भी अपनी जगह पर सही है कि पिछले तीन वर्षों से जो हमारी कृषि का उत्पादन है, वह स्थिर रहा है । इसलिए खाने की जरूरत तो सब को है । उपभोक्ता के हित को ध्यान में रखते हुए, देश के हित को ध्यान में रखते हुए और किसानों के हित को ध्यान में रखते हुए, जो सचमुच में किसान इस देश की रीढ़ है, कई बार यह प्रश्न इस सदन में आया है ।

मैं सरकार का ध्यान आकर्षित करते हुए कहना चाहता हूं कि इस खाद के दाम जो बढ़ गये हैं, जो सब्सिडी घटा दी गई है, उसको ध्यान में रखते हुए, सरकार गंभीरता के साथ विचार करे । वैसे मुझे यह भी मालूम है कि सरकार विचार भी कर रही है, लेकिन विशेष रूप से लघु और सीमांत किसान, जिनकी जोतें पूरी जोतों का 70 फीसदी आता है, उनको विशेष रूप से ध्यान देकर, उनके फर्टिलाइजर के दाम को कम करने की दिशा में सरकार जल्दी से जल्दी घोषणा करे और कदम उठाये और यह कहे कि किसी भी कीमत पर उन किसानों के खाद के दाम को हम नहीं बढ़ने देंगे ।

देश के हित में, किसानों के हित में, आपके माध्यम से, महोदया, मेरी सरकार से यही मांग है और मुझे विश्वास है कि सरकार इस पर गंभीरता के साथ विचार करेगी, राष्ट्र-हित में, किसानों के हित में, उत्पादन को ध्यान में रखते हुए, क्योंकि हम विदेश से मंगवाने पर जो खर्चा कर देते हैं, इसको ध्यान में रखते हुए, किसान जो इस देश की रीढ़ है, वह और मजबूत हो, इसको ध्यान में रखते हुए फर्टिलाइजर के दाम को कम करने की दिशा में गंभीरता के साथ विचार करे, निर्णय ले और कदम उठाये और आश्वस्त करे कि किसी भी कीमत पर खाद के दाम नहीं बढ़ने पायेंगे ।

महोदया, आपका बहुत-बहुत धन्यवाद कि आपने मुझे बोलने का अवसर दिया ।

The Code of Criminal Procedure (Amendment) Bill, 1993—Contd.

THE DEPUTY CHAIRMAN : Shri V. Narayanasamy. Not here. Shri Giri Prasad. Not here. Yes, Dr. Thulasi Reddy.

DR. NARREDDY THULASI REDDY (Andhra Pradesh) : Madam, I wholeheartedly support this Bill. But I would like to add something more. Just as in the case of the United Kingdom, it is better for us to have this type of agreement with the United States of America, Canada and the Gulf countries also. So, I would request the Government to have an agreement like this to deal with these countries because some terrorists are there in the USA, Canada and the Gulf countries. They are indulging in terrorist activities in India. So, it is better to have this type of an agreement with those countries also.

So, with these words, Madam, I fully support this Bill. Thank you.

THE DEPUTY CHAIRMAN : Mr. Narayanasamy. I called your name. You were absent.

SHRI V. NARAYANASAMY (Pondicherry) : I am sorry, Madam. I went to the Library.

THE DEPUTY CHAIRMAN : Make a brief speech. I want the Minister to reply before lunch because I want to finish this Bill before lunch.

SHRI V. NARAYANASAMY : Madam, I rise to support the Bill. Madam, terrorism is a global phenomenon today. (*Interruptions*) I am coming to the Bill.

THE DEPUTY CHAIRMAN : He is coming to the Code of Criminal Procedure Bill. Everybody is disturbing him.

SHRI V. NARAYANASAMY : Madam, this particular Bill... (*Interruptions*)

THE DEPUTY CHAIRMAN : I think, he will ask the Home Minister for protection now under TADA or the Criminal Procedure Code or whatever it is because whenever he speaks, you all disturb him.

SHRI V. NARAYANASAMY : Madam, this particular Bill is only for the purpose of having relations with the contracting parties relating to getting the persons and for the attachment and also seizure of the properties. Madam, what happens is that the people who are involved in the offences, after committing the crime, they vanish from the country and they go to other countries. And only if there is a recriprocal arrangement with those countries, the persons can be procured by sending a letter to the concerned country.

Madam, in the year 1992, the Government of UK wanted to extend their relations with India on this subject and they came here. They had an extensive discussion with the hon. Home Minister. Their Secretary came here and our Foreign Secretary also went there for the purpose of signing this agreement. Madam, this is a good proposal for having relations with the contrating countries for the purpose of search, seizure and also confiscation of the propertiers of the persons involved in the crime. Madam, the situation as it is prevailing today in our country is that people who are involved in the crime go to other countries and hide themselves there. And some of the people who are living in other countries operate in this country through their agents.

Madam, in this connection, I would like to submit to the hon. Home Minister that there was a demand by the Members in this House for the extradition of Prabhakaran who was involved in our great leader, Shri Rajiv Gandhi's assassination case. The hon. Home Minister also gave an assurance in the House that they are contacting the Government of Sri Lanka and that they have written to them. The aim of this Government is to get the number one accused in Shri Rajiv Gandhi's assassination case and try him here. The Prime Minister of Sri Lanka had come to India and in Bodh Gaya he gave a statement that the Indian Government had approached them and they will co-operate with the Indian Government. But so many months have passed and the result of their efforts is not known. This is a very sensitive matter where all the Members are agitated. The result of the letter written by the Government of India in this matter is still not known. I know it is a long process. I understand it. It is also very difficult for

the Government of Sri Lanka to apprehend that person who is the supremo of the LTTE. But assurance was given by Sri Lanka President at Bodh Gaya and I would like to know from the Home Minister as to what have been the developments so far.

With regard to the matter relating to seizure, there is one good provision in the Bill that if a person is accused of an offence and his property is attached, he is still given the reasonable opportunity to plead that he is not involved. In most cases, the persons after committing the crime, vanish from the country and take assylum in some other country and they do not appear in India. Therefore, Magistrates have been given powers in such cases.

In the case of Memon brothers about which the Home Minister elaborated this morning during the Question Hour and we are going to discuss his statement about it in the evening today, the stand taken by the Pakistan Government is very strange. Our hon. Prime Minister had a discussion with the former Prime Minister of Pakistan—now there is President's rule. What is the response of the Pakistan Government with regard to repatriation of Memon brothers ? There was a news item that in Bombay, buildings belonging to Memon brothers have been demolished by the Corporation. Under the new provisions in the Bill, the property can be confiscated by following the procedure given in this Bill. Therefore, I feel, it is laudable provision. By contracting with friendly countries, the person who committed the offence in this country and who goes and hides himself or takes assylum in the other country, the contracting country has to co-operate with the country where such an offence has been committed and will co-operate in apprehending the accused.

THE DEPUTY CHAIRMAN : What about the unfriendly country ?

SHRI V. NARAYANASAMY : We have to use all the force at our command including the External Affairs Ministry channel for the purpose of convincing such country...

SHRI SANGH PRIYA GAUTAM : (Uttar Pradesh) : For example ?

SHRI V. NARAYANASAMY : For example, Pakistan. I am clear about it.

As far as Pakistan is concerned, even during the Question Hour today this matter was raised, and I would like to know as to what is the stage or what is the progress made in the matter of getting back Memon brothers who were responsible for the ghastly incidents in Bombay killing so many innocent people due to bomb blasts and who have gone to Pakistan using Dubai as their base. The Home Minister should respond to it and give us the details.

With regard to extradition of Prabhakaran, I would like to know from the Home Minister as to how the matter stands today and what the Indian Government is going to do further in the matter.

SHRI PRAVAT KUMAR SAMANTARAY (Orissa) : Thank you for giving me this opportunity to speak. I would like to correct myself first. Yesterday I took up another Bill which got tagged to this Bill and on being informed about it by the hon. Home Minister, I stopped speaking on this Bill. This Bill should have been brought much earlier as it would have helped us in asking our friendly countries not to give shelter, not to provide shelter, to those people who are playing a dangerous game against India, acting against the interests of our country and sabotaging...

SHRI SANGH PRIYA GAUTAM : Madam, something has fallen from above, perhaps, by mistake. Some paper has fallen from above.

THE DEPUTY CHAIRMAN : Might have come by mistake.

SHRI SANGH PRIYA GAUTAM : That is what I am saying.

THE DEPUTY CHAIRMAN : Never mind. It is okay. Please continue, Mr. Samantaray.

SHRI PRAVAT KUMAR SAMANTARAY : Madam, provision has been made in the Bill to have reciprocal arrangements with other countries, particularly, with the United Kingdom, whenever there are activities carried on in those countries against the interests of this country. After filing an F.I.R. before a court of law in our country, we can get back from those countries people who are indulging in such activities.

Here, I would like to draw the attention of the hon. Home Minister to one important aspect because there are lacunae in our laws. Taking advantage of these lacunae in our legal provisions, our great jurists allow the culprits to go scot-free even if they are extradited from other countries. Now, we have this provision in article 22(2) of the Constitution of India where it says that a person cannot be punished twice. Let us say, for example, in another country, say, in the United Kingdom, a person wanted by us is punished by them, is given some minor punishment. Then, we secure his extradition. In that case, I am afraid, under the present law, the culprit may escape punishment because advantage will be taken of this provision in article 22(2). Therefore, while welcoming this Bill, I would like to stress that all precautionary measures should be taken and the lacunae in our laws should be removed so that no advantage can be taken in courts of law to extend any help to these culprits who are determined to destroy the integrity of this country and who are indulging in sabotage, making the lives of our people miserable. Thank you.

SHRI N. GIRI PRASAD (Andhra Pradesh) : Madam, I support this Bill But I do not know why the Government has taken such a long time when they are aware of the fact that terrorist activities are taking place all over the world, including our country. Only recently, our Home Minister went to the United Kingdom to sign some agreement with the Government there in regard to extradition and other mutually-agreed arrangements to deal with the problem of terrorism. But the point is, our problem cannot be solved by just entering into agreements with one or two countries. Terrorism is an international phenomenon. The terrorists have their places of hiding in many countries, encouraged by those countries, particularly, in Pakistan and some other neighbouring countries like the Gulf countries. Therefore, in the interest of the country, our Government must have already taken a decision to contact these Governments in order to arrive at an understanding with them to deal with this problem. We cannot isolate ourselves when terrorists have got their hideouts in many countries. So, I think the Government has committed some type of inactivity in dealing with this problem, in comprehending this problem much earlier. Even now it is time for the Government to contact various countries, especially SAARC countries, U.S.A. and these Gulf countries where there are a large number of hideouts and some other vested interests also.

Besides this, after the Bombay blast incidents many things have come out. Many business interests or even cultural interests like cine field and other activities, they are all inter-linked with these terrorist organisations and it is said that there are many areas where these terrorists have got their people and they are not only influencing the people who have got links with them, but they are also having the social, cultural and political links. They are influencing the minds of the people also. In this background our cine industry in Bombay is particularly affected. In production and also in distribution they have many contacts. These interests are influencing by investing their money. How does the Government want to deal with this type of activity of this under-world even after passing this Bill ? I am afraid, there are direct contacts between the terrorists and some other organisations outside. They can deal with them, but when they have got cultural, social and political contacts, nothing will improve unless Government takes effective steps in curbing such activities. Moreover, there are no such agreements with these countries. So, there are many areas where these terrorists organisations get encouragement. It is not sufficient signing one agreement with one

country, it is high time the Government takes a broader view of things. Even if they are having such links, financial, cultural, social and political, inside our country, they must be broken. Unless their backbone is broken by curbing all their activities, all their financing institutions and other things, Government will not be able to achieve much by introducing or passing this Bill. So, I request the Home Minister to have a broader look into this problem so that the people could feel secured. You have to act so that the security of the country is strengthened and also the people's living is protected. Otherwise, we will be facing a lot of trouble in the coming period.

Even in the just concluded Question Hour the Home Minister himself agreed that he was not aware of the impending things, even as on 3rd March 1993. If the Government is informed of what is going to happen, that means there is a complacent view of things being taken by the Government. Unless the Government is alert, nothing will improve. Morever, the Government is also aware that a large number of arms are being smuggled into our country. This was exposed when the Government caught hold of a large number of quantities in Ahmedabad some months back. When I put a question, the answer given was that in the interest of public we are not coming out with any information. I have not brought the answer with me, but I would like to say that these narcotic agencies are having links with some people in Pakistan. CIA has also come out with some assessment of these people. I asked the Government whether the Government is aware of the fact that such a report was prepared by CIA, having links with some people in Pakistan dealing with drugs and narcotics.

1.00 p.m.

But the Government said, "We are aware of the fact that the CIA prepared such a report, but we are not giving it in the interest of the public." I do not know whether the Government is aware of the fact. If it is aware of the fact, it should come out. It should not hide anything from the people. The Government is taking a secretive attitude in dealing with these anti-national and terrorist forces. With whatever information it has got, it should come out. It should enlighten the people and take the people into confidence. Otherwise, the people will also feel complacent as the Government is doing.

So, I request the Home Minister that, whatever information they are having, they should come out in the interest of the public. In the interest of the public they should not hide something. So, I request the Home Minister to look into these aspects and strengthen these provisions wherever they are called for, at least in relation to this underworld which is having links with some people here in our country. That also must be broken.

They must contact other governments also to make similar agreements with them as we have done with U.K. and Northern Ireland. Then only, I think, we will be having some security in our country. It is for the Government to look into these aspects.

Thank you, Madam.

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN) : Madam Deputy Chairman, I must express my gratitude to all the hon. Members who have participated in the discussion and supported this Bill. It is quite possible that each one of the hon. Members might be having some problem or the other in his mind, and that is why, while speaking, they were giving vent to the kind of problems that they have in view.

I must at the outset say that it is a historical kind of extradition treaty that we signed with U.K., which, in fact, has sent a proper message not only in U.K. but in all the friendly countries of U.K., the Commonwealth countries, that when the treaty has been signed by U.K., it clearly shows that the U.K. Government is now seriously considering how to deal with the terrorist problem because it is assuming a very huge proportion. There are a large

number of bomb-blasts even in London, and, so, it has sent a proper message.

So far as the Criminal Procedure Code is concerned, I think, hon. Members should appreciate that there are two agreements that we have signed. One is the extradition treaty, and the other is about confiscation of property. This is dealing only with confiscation of property and the procedural aspect of it.

Though hon. Member, Shri Sukomal Sen, is not here today, it will not be out of place if I were just to keep the House informed about what exactly the extradition treaty contains so that the hon. Members will be able to appreciate the significance of the agreement which has been signed. The agreement envisages mutual co-operation in the following matters :—

(a) Providing information and documents.

(b) Taking evidence or statement of witnesses or other persons and producing documents.

(c) Search, seizure and delivery of relevant material.

(d) Restraint of property for enforcement of a confiscation order that may be or has been made in the other country.

(e) Enforcement of a confiscation order issued by a court in the other country.

(f) Transfer of persons including persons in custody for the purpose of assisting in investigation or giving evidence in proceedings.

These are the main recommendations that we have.

The existing provisions also, for the information of the House, I may read. Legal provisions exist in India for mutual co-operation with other countries in respect of :

(a) providing documents;

(b) taking evidence or statement of witnesses or other persons and producing documents and things;

(c) search and seizure and delivery of relevant material.

In this connection, sections 105, 166(a) 166(b), 185(3) and 290 of the Criminal Procedure Code may be referred to.

There are certain other amendments which now we are bring about in this Bill. This is about the procedure which has to be followed for confiscation of property. "Property" has to be defined. It has been defined in our agreement which not only includes immovable property but also currencies which he might be having. We are also dealing with *benami* transactions. If somebody is holding the property on behalf of the accused and that happens to be a *benami* transaction, we can possibly take action even against those people who are holding this kind of a property.

The present provision is regarding (a) the transfer of persons, including persons in custody for the purpose of assisting in investigation or giving evidence in proceedings; (b) enforcement of an order for restraint or confiscation of a property made by a court and its enforcement through the foreign court and vice-versa. So these are the major provisions which have been made.

Madam, a point was raised yesterday by an hon. Member that there is a provision which gives an impression that this is going to be made applicable in the case of other countries also automatically. There is definitely a reason to believe that we would like to have a similar kind of agreement with other countries also specially friendly countries from whom we can expect the same kind of reciprocal approach in this matter. But these are bilateral treaties, bilateral agreements. Merely because we have provided for the same in the Bill it does not automatically mean that it is going to be effective in the case of other countries also. But this is a kind of enabling provision that we have kept in this Bill so that when we enter into similar kind of agreements, then, automatically this

kind of procedure which has been now laid down in this Bill also becomes applicable in the case of other countries also.

Madam, a point was raised by Mr. Narayanasamy, whether we are going to request the Government of Sri Lanka to extradite Mr. Prabhakaran. I do not think that we have any such agreement with them. The President of Sri Lanka had visited India sometime back and some kind of talks on this subject did take place. Since Sri Lanka is a member of the SAARC, we hope that they will be able to cooperate with us in extraditing the main culprit in the conspiracy which ultimetaly resulted in the assassination of our beloved late Prime Minister, Shri Rajiv Gandhi. So an effort is being made to see that Mr. Prabhakaran is extradited by the Government of Sri Lanka. But we do not have any extradition treaty with them.

In the case of all those who were involved in the bomb blasts in Bombay, the Memon family members, Mr. Dawood Ibrahim and all his associates who were in Dubai and some of whom later on have gone to Pakistan, we have taken up this matter with the Government of Pakistan. We have been having friendly relations with Pakistan. I do not think that they will give any scope for interpretation that they are trying to give asylum to persons who, in fact, are interested in creating destabilising conditions in India. I am quite sure that as it is, things are rather serious for Pakistan because Pakistan is on the brink of being named as a country which has been sponsoring terrorism. In fact, we have every reason to believe that those who were involved in the Bombay bomb blasts have fled to Pakistan. We cannot possibly disclose the source. But at the same time I can say without any fear of contradiction that all Memon family members had been to Pakistan. We are not getting all the information that is required from the Pakistan side. It is a fact which I cannot possibly deny. I will definitely, through this House, request the Government of Pakistan to see that every effort is made to cooperate with us in tracing all those who were involved in such a heinous crime of Bombay bomb blasts wherein hundreds of people have lost their lives. In fact, they should be brought to book. They should cooperate with the Government of India for handing over all those who are concerned in this matter.

SHRI INDER KUMAR GUJRAL (Bihar) : Will the Minister yield for a minute ?

We have two more levers to press. One lever is that Pakistan, ourselves, Sri Lanka and everybody in the SAARC are signatories to the Anti-Terrorism Convention and every country of this region has already endorsed it. I would suggest to the hon. Minister, if he has not already used it, that the SAARC countries must be activated—I have earlier also suggested this on this issue—because there is no use signing an Anti-Terrorism Convention by the SAARC countries and then not taking advantage of it.

The second issue I would like to bring to the notice of the hon. Minister is that in the Islamic Conference which is being held in Karachi just now, every effort is being made to carry on an anti-India tirade. I would suggest, if it has not been done so far, that our diplomats in all these Islamic countries must be activated to give full facts as to what is happening because I was upset to see this morning that an atmosphere is being created there as if India is making allegations which are not tenable and as if there is more under our table than what we are exposing in the name of human rights and all that. Therefore, may I suggest to the hon. Minister to kindly see to these two things. Have a word with the foreign office and see what has been done because I think these are two important things, important issues, on which we can take advantage of the already existing situation.

श्री चतुरानन मिश्र (बिहार) : इस सिलसिले में मैं गृह मंत्री जी का ध्यान इस बात की तरफ आकर्षित करना चाहूंगा कि वैसे तो यह मेटर एक्सटरनल एफेयर्स से रिलेटेड है और जिसकी चर्चा अभी गुजराल

साहब ने भी की है कि ये जो 51 इस्लामिक देशों के संगठन का सम्मेलन है, उसकी विशेष कमेटी ने यह कहा है कि पाकिस्तान पर भारत जो टेरोरिज्म का चार्ज लगाते हैं वह इंडिया ह्यूमन राइट्स का वायलेशन जो काश्मीर में करता है उसी को छिपाने के लिए करता है । यह पहली नई बात इस्लामिक देशों के संगठन में प्रचारित होती है । यह बहुत ही खराब बात है । इसका मतलब यह है कि हमारे केस को हमारे लोग ठीक से नहीं रखते हैं । दूसरी बात जो नई बात इस रिजोल्यूशन में आई है वह है--

"Making economic and trade relations with India conditional to the reversal of its repressive policies and practices on Kashmir."

यानी वे कह रहे हैं कि काश्मीर में जो हमारी पालिसी है वह अगर रिवर्स नहीं करेंगे तो इकनोमिक और ट्रेड मेटर्स में भी वे कारवाई करेंगे । तीसरी बात वे यह कहते हैं कि... (व्यवधान)...ये मैं इस्लामिक कन्ट्रीज के रिजोल्यूशन को कोट कर रहा हूं । उनकी जो तैयारी कमेटी है उसमें यह कहा गया है । भारत के जो लोग उन देशों में काम करते हैं उन पर वह कहते हैं कि रोक लगाई जाय । इन इस्लामिक कन्ट्रीज में भारत के लोग बहुत बड़ी तादाद में काम करते हैं । अगला स्टेप वे कहते हैं कि यूनाइटेड नेशन्स में भी और बाइलेटरल टाक्स में भी यह सवाल उठाया जाय । यह बात कही जा रही है कि पूरे इस्लामिक आर्गनाइजेशन की तरफ से यह बात कही जाय । यह बहुत गम्भीर बात है । अगर 51 इस्लामिक कन्ट्रीज जिनमें से कुछ स्वयं टेरोरिज्म से पीड़ित हैं, मैं यहां यह कहना चाहूंगा कि अफगानिस्तान में जब सोवियत रूस था तो उस वक्त तमाम देशों के क्रिमिनल्स को अमेरिका के कहने पर रेक्रूट करके आर्मी में यानी उस आर्मी में जिनको मुहाजिद्दीन कहते हैं, लड़ाकू कहते हैं, उनको साधन दिये गये और अब वे उनको रोकना चाहते हैं । लेकिन ये टेरोरिस्ट जगह-जगह कुछ इस्लामी देशों में भी हरकत कर रहे हैं । इसलिये मैं इस बात की ओर आपका ध्यान आकर्षित करना चाहता हूं कि इजिप्ट के प्रेसीडेंट मुबारक साहब जब न्यूयार्क गये थे तो उन्होंने इस प्रश्न को वहां उठाया था कि अफगानिस्तान के जो टेरोरिस्ट लोग हैं वे पाकिस्तान के जरिये मिश्र में आकर टेरोरिज्म का काम करते हैं । इसलिये उन लोगों ने कुछ ला भी ऐसे बनाये हैं कि इन पर रोक लगे । अल्जीरिया के लोग भी ऐसा ही महसूस कर रहे हैं । टर्की वाले भी इसको महसूस कर रहे हैं । सोवियत यूनियन जो टूट गया है, इसका इस्लामिक रिपब्लिक--हालांकि इसको इस्लामिक रिपब्लिक कहना ठीक नहीं होगा लेकिन मुसलमानों की ज्यादा पापुलेशन है, ताजिस्तान, उजबेकिस्तान और दूसरे लोगों का भी यह आइडिया है कि वे सेकुलरिज्म के साथ रहे । वे ईरान के साथ रहने के लिये तैयार नहीं हैं । इसलिये हमने जैसे बात की, यह आपकी गवर्नमेंट का फेल्योर रहा है और जो प्रश्न माननीय गुजराल जी ने उठाया, तो मैं भी यह कहना चाहूंगा कि यह दो तरह की राय इस्लामिक कन्ट्रीज में भी बनी है । इसको देखते हुए आप अपने केस को अच्छे ढंग से रख सकें, इसके लिये यह बहुत ही उपयुक्त अवसर है । अनफार्च्यूनेटली इस अवसर पर गवर्नमेंट आफ इंडिया के फेल्योर के चलते ये सभी इस्लामी देश हमारे खिलाफ जा रहे हैं । इसलिये इसको ध्यान में रखकर आप इसके बारे में सोचिये ।

श्री शंकर दयाल सिंह (बिहार) : मैडम, मैं इस संबंध में एक छोटी सी बात कहना चाहूंगा । जो कुछ शाम को मंत्री महोदय अपने स्टेटमेंट के क्लेरीफिकेशन में कहते, उस बात को उन्होंने अभी खुद उठाया है । नहीं तो केवल दंड प्रक्रिया संहिता में आगे जो कुछ संशोधन कर रहे हैं, उस विधेयक पर हम चर्चा कर रहे थे । लेकिन उस संदर्भ में वर्तमान समय में जो गतिविधियां आतंकवादियों की हैं, उसके बारे में भी आपने प्रकाश डाला है । इस संबंध में एक बात मैं गृह मंत्री जी से कहना चाहूंगा कि जो भी आपने इस सदन में बयान दिया है, उसको आधार मानकर ही आप

सोचिये । क्या आप इस बात को जो आपके खुद के स्टेटमेंट में है कि मुम्बई में इस तरह के गिरोह काम कर रहे हैं और ये गिरोह, जो आपने बयान दिया है वह किसी जासूसी उपन्यास के चेप्टर के समान है, जिसके ऊपर आप शाम को कहेंगे ।

एक बात मैं जानना चाहूंगा, जिन अंडर-वर्ल्ड के लोगों की बात आपने कही, दाऊद इब्राहीम, मैमन बंधु, टाइगर और दूसरे लोगों की बात आपने कही, एक बात बतलाइये कि पूरी मुंबई में इन बातों को लोग जानते हैं कि ये अपराधी तत्व के लोग तस्करी और दूसरी चीजों से जुड़े हैं । इस तरह के अपराध-कर्मी मुंबई में बहुत बड़ी मात्रा में हैं और उनका पूरा रिकार्ड हो सकता है कि आपके पास हो । तो इसके पहले भी इसके लिये आपके पास पूरे अधिकार थे और अगर आप इसमें संशोधन न भी करते तब भी कई जगहों में यह काम कर सकते थे । आप जो सी. आर. पी. और टाडा में संशोधन कर रहे हैं इसको अगर आप न भी लाते तब भी आपको पूरे अधिकार थे । तो क्या गृह मंत्री महोदय यह बतलायेंगे कि आप बार बार यह कहते हैं कि पाकिस्तान ने किया उसने ऐसा किया। लेकिन इसका हमारे आंतरिक मामलों से क्या लेना-देना है । अगर आंतरिक सुरक्षा हमारी असफल रही है तो अपनी असफलता को किसी दूसरे देश पर लादने से क्या लाभ ? ऐसा कहकर हम अपनी जवाबदेही से मुक्त हो जायें, इसको मैं उचित नहीं समझता । इसलिये मैं आपसे कहना चाहता हूं और आपने खुद कहा . . . **(समय की घंटी)** . . . मैडम, एक मिनट में खत्म करता हूं ।

जैसा आपने कहा कि इसमें ए.के.-56 रायफल, हथगोले थे और यह पता लगाया कि वह माल्ति वैन मैमन की पत्नी की थी । दूसरा कहा कि इस पर लाहौर की मार्किंग दिखायी देती थी । आपने कहा कि स्कूटर जो मिला, उसका उसकी चाभी से पता चला । वह स्कूटर वहां पर खड़ा हुआ था । 10-12 मार्च की सुबह वे सब मुंबई से दुबई के लिये रवाना हो गये । कौन लोग रवाना हो गये ? जो यह सभी अपराध-कर्मी लोग थे ? दूसरा आपने यह कहा कि बम्बई पुलिस ने जो 89 व्यक्तियों को गिरफ्तार किया है (व्यवधान)

उपसभापति : शंकर दयाल जी हम कहां पर बहस कर रहे हैं । यह तो स्टेटमेंट है **(व्यवधान)**

श्री शंकर दयाल सिंह : नहीं, नहीं, जो मैं कह रहा हूं कि 12 व्यक्ति पाकिस्तान में प्रशिक्षित हैं । **(व्यवधान)**

THE DEPUTY CHAIRMAN : We are still on the amendment of the Code of Criminal Procedure. (*Interruptions*) . . .

SHRI G. SWAMINATHAN (Tamil Nadu) : Madam, I want to seek one clarification.

THE DEPUTY CHAIRMAN : There is no clarification.

SHRI G. SWAMINATHAN : I just want to seek one-sentence clarification. (*Interruptions*) . . .

THE DEPUTY CHAIRMAN : We are not having any clarification on the statement.

SHRI G. SWAMINATHAN : Madam, you have allowed others.

THE DEPUTY CHAIRMAN : I didn't allow him.

श्री शंकर दयाल सिंह : मैं अपने मूल विषय पर आ गया यह कहते हुए कि आप इस बात को समझिये । सदन की कार्यसंचालन प्रक्रिया के अनुसार आप अंग्रेजी और हिन्दी में सभी चीजों को प्रस्तुत करते हैं । हम लोग जो थोड़े लोग हैं, ऐसे हैं कि जो शायद विदेशी भाषा नहीं जानते और भारतीय भाषाओं से काम चलाते हैं और हिन्दी पढ़ते हैं । अब मैं आपसे एक बात डायरेक्ट कहना चाहता हूं जिस पर विचार हो रहा है, क्या आपने उसकी हिन्दी कापी पढ़ी है या नहीं, यह मैं आपसे

जानना चाहता हूं । अगर आपने हिन्दी कापी पढ़ी हो तो आपकी अंग्रेजी कापी और हिन्दी कापी दोनों में जो विभिन्नता है, आप उस विभिन्नता को देख लें । यह पृष्ठ 4 के बारे में कह रहा हूं । सम्पत्ति को संहरण की सूचना जिसको आप लिंक कर रहे हैं बम्बई के अंडर वर्ल्ड से । हिन्दी में जो आपने लिखा है, आप इसको ठीक करवाएं । यह बहुत बड़ी इरर है, बहुत बड़ी गलती है । इसलिए बार-बार गृह मंत्री जी से मैं कहता हूं कि इसको जब तक ठीक से जांच नहीं की जाती है तो आप सदन पटल पर कैसे इन चीजों को रख देते हैं । आपने लिखा है कि यदि इस धारा के अधीन जांच अन्वेषण या सर्वेक्षण के परिणाम-स्वरूप न्यायालय के पास विश्वास करने का कारण है कि कोई सम्पत्ति अपराध के आगम है **(व्यवधान)**

उपसभापति : आप किस चीज पर बोल रहे **(व्यवधान)** आप क्या पढ़ रहे हैं ?

श्री शंकर दयाल सिंह : मैं बिल्कुल ठीक कह रहा हूं **(व्यवधान)**

SHRI SANGH PRIYA GAUTAM : Are you reading the statement or the Bill ?

SHRI SHANKAR DAYAL SINGH : The Bill. We are on the Bill.

SHRI INDER KUMAR GUJRAL : Madam, what are we discussing ? Are we discussing both together ?

SHRI SHANKAR DAYAL SINGH : We are only discussing the Code of Criminal Procedure.

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN) : I think, we have had enough of this. In fact, they were interrupting me. I was just trying to elicit some kind of information which the hon. Members wanted to convey to me. I don't thing that there is any scope for such a lengthy kind of discussion on this.

SHRI G. SWAMINATHAN : Madam, I want to know from the hon. Minister whether Pakistan is being... *(Interruptions)*...

THE DEPUTY CHAIRMAN : Just a minute, please. Don't interrupt.

श्री शंकर दयाल सिंह : गृह मंत्री जी आप एक बात को स्वीकार कर लीजिये, वह यह है कि जैसे दंड प्रक्रिया संशोधन विधेयक, 1993 आप लाए हैं और हिन्दी तथा अंग्रेजी दोनों प्रतियां प्रस्थापित की हैं । हम लोग, कुछ लोग, जिसमें मैं एक हूं, शायद हिन्दी पढ़ कर ही अपनी बात कहता हूं और समझने की कोशिश करता हूं । जब हम हिन्दी में पढ़ने लगते हैं तो एक पूरे का पूरा पैरा जिसमें न कहीं कोमा है, न फुलस्टाप है, इतना बड़ा पैरा है, मैंने इसको बीस बार पढ़ा है लेकिन मैं समझ नहीं सका । मेरा कहना यह है कि जब भी इस तरह की कोई चीज आप प्रस्थापित करें तो केवल रस्म अदाई के लिए नहीं करें । कितना बड़ा आपका मंत्रालय है, आपकी हिन्दी की जो भी कापी पेश की जाए कम से कम उसमें ऐसी बात रहे कि हम लोग उसे समझ सकें । यही मैं निवेदन करना चाहता हूं । **(व्यवधान)**

श्री संघ प्रिय गौतम : इसके लिए आपको व्याकरण पढ़नी होगी ।

SHRI G. SWAMINATHAN : The hon. Minister has said that Pakistan was on the brink of being declared a terrorist State. I want to know what the implication is of a State being declared as a terrorist State.

श्री चतुरानन मिश्र : अगर हिन्दी से दूसरा कानून पास हो जाएगा और अंग्रेजी में दूसरा कानून पास हो जाएगा तो आथेंटिक कौन सा होगा ?

श्री एस. बी. चव्हाण : अंग्रेजी में आथेंटिक माना जाता है । **(व्यवधान)**

श्री शंकर दयाल सिंह : मैं ओब्जेक्शन करता हूं, कभी नहीं माना जाएगा । तब आप यह संशोधन कीजिए कि आप हिन्दी में नहीं लाएंगे **(व्यवधान)** चव्हाण साहब आप यह बात कहिये कि आप अंग्रेजी में पूछ रहे हैं या हिन्दी में पूछ रहे हैं **(व्यवधान)**

श्री एस. बी. चव्हाण : यह क्रिमिनल प्रोसीजर कोड की चर्चा है, आप तो लम्बी बहस में जा रहे हैं ।

श्री शंकर दयाल सिंह : मैं तो बार बार इस बहस को उठाता हूं कि आप हिन्दी को केवल रस्म अदाई के लिए क्यों रखे हुए हैं । जब संविधान में आपने यह दिया है कि हिन्दी और अंग्रेजी दोनों में किसी भी भाषा में हो रखें तो आपको इसमें दोनों को आथेंटिक रखना पड़ेगा । यह तो कोई बात नहीं हुई ।

श्री जगदीश प्रसाद माथुर (उत्तर प्रदेश) : दुख यह है कि हिन्दी और अंग्रेजी (व्यवधान)

THE MINISTER OF HOME AFFAIRS (SHRI S .B. CHAVAN) : I express my gratitude to the hon. Member Mr. Gujral, who brought to my notice about the convention in Dhaka, about the SAARC countries who have signed the convention on the terrorist activity and the cooperation, that is anticipated from all the participating members. But that is just an expression of the wishes of all those participating members. We will have to have a regular treaty with each one of them. Without that I don't think mere expression of opinion is going to help us, because you know that Pakistan is also a member of the SAARC. In spite of that, the kind of activity that we found all along is definitely deterimental to the interest of India. It is not my domain. I should not say it. But I cannot resist. In fact, we will have to have friendly relations with all our neighbours. We cannot possibly take any other stand knowing fully well that they are engaged in this kind of activity. That is one point. Another issue...

SHRI INDER KUMAR GUJRAL: Madam, I just want to...

SHRI S. B. CHAVAN : Let me complete first. Another point was raised about the Islamic countries and the conference they are having in Pakistan. I am in full agreement that a distorted picture, a disinformation campaign is being carried on by Pakistan. They are trying to create an impression as if in India, especially in Kashmir, the kind of policy which is being followed is just not the rule of the land but it is the rule of the jungle which is prevailing in that area. This, in fact, was the information of Amnesty International also. I had specially invited them to Delhi. I had a very long discussion with them. I said : Are human rights available only to those who kill the people or to all those who get killed Ultimately, those who are sufferers of the atrocities don't have any kind of human rights. Then they corrected the whole thing and they realised that what was being painted as a kind of rule of the jungle which was prevalent in Kashmir, was not a fact. A large number of innocent people have been killed in Kashmir. Everyone of us is aware of this fact. It took almost one and a half hours to explain that. I gave a regular presentation as to how many arms have been seized from all those persons who were apprehended and all the details were given to them. They were fully convinced and said, *"we have to verify before we publish our* report". So, the kind of information which the hon. Member Mr. Gujral was asking for, is correct. We have been supplying the entire information to our diplomats in different countries including the Islamic countries. I am aware of the fact that there are some countries who, in fact, have been the victims of terrorism. In spite of that when they come together they don't express any difference of opinion. They just keep quiet. That is, unfortunately, the position in which we are. Still, I am quite sure that bilaterally when we discuss with them they will certainly agree that there is something basically wrong which is happening in Pakistan. That is why they would like to support us. But when they come together it is a different kind of picture. I don't think that things are really that bad. Then about the information which ought to be supplied to all our diplomats, in fact, we are lacking in that. We are taking it up at different levels and it is having a good impact. That is why I just wanted to keep the House informed that these are the activities which we have

already undertaken. But there can still be scope for some kind of improvement over it. We are requesting the I&B also to prepare special programmes so that the people who are on the border of Kashmir are not influenced by the disinformation campaign which is being indulged in by Pakistan. I think I have explained the whole thing.

SHRI INDER KUMAR GUJRAL : I totally respect what the hon. Minister is saying. I only want to add one thing that the SAARC Convention does not involve bilateral treaties before enforcement. Therefore, since it is a Convention signed by all the seven countries, I would only suggest to you, in all humility, to kindly take it up. The second point which I would like to suggest for your consideration is that the victims of terrorism now are the countries of Egypt, Saudi Arabia, Algeria and Indonesia, in addition to the USA itself where the bomb explosion took place in the World Trade Centre. I think that it is a good case for us to coordinate and if I may, I would like, in all humility, to say that this may not be a correct impression that even in the Islamic Conference, these countries are not raising their voice. They are raising their voice. At the moment, as you know, there are approximately 8,000 to 10,000 trained terrorists from these countries. Saudi Arabia, particularly, is now worried. Therefore, I think, diplomatically, at the moment, we can do a lot to activate these countries. For this purpose, may I suggest, at your level or at the level of the hon. Minister of External Affairs, calling the ambassadors of these countries here and telling them that their representatives in Karachi should get correct briefing ?

SHRI S. B. CHAVAN : About the first part of the question, I would certainly like to get myself checked. At least, my impression was what I have stated early. But I will get the matters corrected. If it is there, especially, the extradition treaty... (*Interruptions*). If the SAARC countries are entering into this kind of agreement, automatically, we need not enter into a kind of bilateral extradition treaty but that Resolution or Convention itself would be sufficient for acting on that—this is the point about which I would like to get myself corrected. I don't know... (*Interruptions*).

SHRI INDER KUMAR GUJRAL : It does not cover extradition. It covers the activities to be curbed like terrorism against the neighbouring countries.

SHRI JAGDISH PRASAD MATHUR : There is no treaty. But every country has got to enact a legislation in its own country on this.

SHRI S. B. CHAVAN : That was my impression which I gave here. But I have taken note of what the hon. Member said. I will personally look into the matter. I cannot possibly claim that I know Hindi as good as the hon. Member Mr. Shankar Dayal Singh. But I will find out if there is any mistake committed and we will see to it that it is not repeated. With this, I request the House to pass this Bill.

THE DEPUTY CHAIRMAN : I think that Mr. Shankar Dayal Singh felt that there should be no discrepancy in the translation of the Bills. The translation might be misquoted somewhere. I will now put the motion to vote.

The question is :

"That the Bill further to amend the Code of Criminal Procedure, 1973, be taken into consideration."

The motion was adopted

THE DEPUTY CHAIRMAN : We shall now take up clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill

SHRI S. B. CHAVAN : I beg to move :

That the Bill be passed."

The question was put and the motion was adopted

THE DEPUTY CHAIRMAN : We shall take up the Terrorist and Disruptive Acti-

vities (Prevention) Amendment Bill after the lunch hour. The House is adjourned for lunch till 2.30 p.m.

The House then adjourned for lunch at thirty-five minutes past one of the clock.

The House reassembled after lunch at thirty-four minutes past two of the clock,

The Deputy Chairman in the Chair.

THE TERRORIST AND DISRUPTIVE ACTIVITIES (PREVENTION) AMENDMENT BILL, 1993

THE DEPUTY CHAIRMAN : Now we will take up the Terrorist and Disruptive Activities (Prevention) Amendment Bill, 1993. Before I ask Mr. Chavan to speak, I request the Members to be brief so that we can finish this Bill early because Mr. Chavan has to go to Lok Sabha for his Demands for Grants and I would like him to give his reply before he goes there. If the Members can be brief, we can go ahead with our business fast. I seek your cooperation.

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN) : Madam, I beg to move :

"That the Bill further to amend the Terrorist and Disruptive Activities (Prevention) Act, 1987, be taken into consideration."

Madam, as the honourable Members are aware, the Terrorist and Disruptive Activities (Prevention) Act, 1987, was enacted on the 3rd September, 1987 to meet the extraordinary situation created by terrorist activities in many parts of the country. It was envisaged at that time that it would be possible to work on this problem to a large extent within a period of two years. It was provided in the said Act that it would remain in force for a period of two years, that is, till the 23rd May, 1989. The life of the Act was further extended by two years each time in 1989 and 1991.

We have to concede that this is a different kind of law which will be out of place in a normal situation. Honourable Members will agree that terrorism cannot be tackled with a velvet glove. The law nas to be available as long as terrorism shows its ugly face. However, it is a fact that sometimes these provisions have been misused and this created problems. We carefully considered how to soften the provisions to reduce the scope for misuse. Some important changes have been proposed. Thus investigation can commence only if the Superintendent of Police authorises it and prosecutions launched only with the approval of IG. *In camera* trial will be at the discretion of the Court. Remand during investigation under section 167 would require judicial application of mind and the progress made in the investigation will be considered if remand is to be extended beyond 180 days.

Other meaningful changes have also been made. Amendments to the Act further concretize the agreement signed with the UK for mutual assistance in the investigation and prosecution of terrorist crimes and the tracing, restraint and confiscation of the proceeds and instruments of crime and it is proposed to extend the Act for a further period of two years up to the 23rd May, 1995.

I commend this Bill to this honourable House for consideration.

The question was proposed

उपसभापति : श्री संघ प्रिय गौतम । आप अगर संक्षेप में बोलेंगे तो कृपा होगी ।

श्री संघ प्रिय गौतम (उत्तर प्रदेश)— मैडम, मैं बोलूंगा तो कम ही, लेकिन एक बात कहना चाहता हूं कि इस सदन में विधायी कार्य के लिए तो समय कम दिया जाता है और फिजूल की बातों पर समय ज्यादा बर्बाद होता है । सबसे बड़ा तो यह विधायिकी का मामला है और इस पर खुलकर बहस-मुबाहिसा होना चाहिए, विचार आने चाहिए और फिजूल की बातें